

**MIDTOWN ALEXANDRIA STATION CONDOMINIUM  
UNIT OWNERS ASSOCIATION**

**POLICY RESOLUTION NO. 16-02**

Pertaining to Preventive Maintenance and Water Valve Installation;  
PM Plumbing Resolution

**WHEREAS**, Article 3, Section 3.1 of the Bylaws empowers the Board of Directors of Midtown Alexandria Station Condominium Unit Owners Association ("Association") with the authority and duties necessary for the administration of the affairs of the Association and authorizes the Board to do all such acts and things as are not by the Condominium Act ("Act") or the Condominium Instruments required to be exercised and done by the Association; and

**WHEREAS**, Article 3, Section 3.1(3) of the Bylaws charges the Board with the duty to provide for the operation, care, upkeep and maintenance of all of the Property and services of the Condominium; and

**WHEREAS**, Article 3, Section 3.1(6) of the Bylaws authorizes the Board to adopt and amend any rules and regulations of the Association, provided that such rules and regulations are not in conflict with the Act or Condominium Instruments, and that copies of such rules and regulations shall be provided to each unit owner; and

**WHEREAS**, Article 5, Section 5.5(c) of the Bylaws states unit owners must keep their units, equipment, appliances and appurtenances in good order, condition and repair and in a clean and sanitary condition; and

**WHEREAS**, Article 5, Section 5.9 of the Bylaws states that each unit owner grants a right of access to the unit, as provided by subsection 55-79.79(a) of the Act and Subsection 4.2(a) of the Declaration, to the Board of Directors or the managing agent, or any other persons authorized by the Board or the managing agent, or any group of the foregoing, for the purpose of enabling the exercise and discharge of their respective powers and responsibilities, including without limitation, making inspections, correcting any condition originating in the unit or common element to which access is obtained through the unit and threatening another unit or the common elements, performing installations, alterations or repairs to the mechanical or electrical systems, or the common elements in the unit or elsewhere in the Property or to correct any condition which violates any Mortgage; provided, however, that requests for entry are made in advance and that such entry is at a time reasonably convenient to the unit owner; and

**WHEREAS**, Article 9, Section 9.1(e) of the Bylaws empowers the Board with the right to enter a unit in which there is a violation of the Condominium Instruments and to cure such violation; and

**WHEREAS**, Article 9, Section 9.1(g) and (h) of the Bylaws empowers the Board with the right to levy charges for violations of the Condominium Act, Condominium Instruments or

the rules and regulations of the Association and to suspend a unit owner's recreational or other privileges; and

**WHEREAS**, certain unit components, due to their nature, may constitute a risk to the health and safety of people and property within the Condominium if a unit owner fails to perform necessary maintenance on such components; and

**WHEREAS**, an emergency situation has arisen necessitating certain repair work, and preventive maintenance of unit plumbing components, and discussed in more detail in a letter dated December 14, 2016 from the General Manager, Mara Luper, to Midtown Residents; this repair and maintenance work must be immediate in order to prevent avoidable flooding and damage to units and common elements;

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT** the Board duly adopts the following rules and policies:

**A. Installation of Expansion Tank, Mixing Valve, Cost to Each Unit Owner.**

- a. **Background.** Currently, a plumbing configuration existing in certain parts of the Condominium causes the inline expansion valve and mixing valve in certain units to fail when in the open position. The result of this plumbing configuration is that water flows into the emergency drain line and potentially floods units and/or common elements, causing damage.
- b. **Solutions Requiring Unit Owner Cooperation.** The Board of Directors, in conjunction with management and plumbing professionals, has identified a two-part solution intended to prevent water damage that would otherwise be caused by the current plumbing configuration. This two-part solution is described in the Association's December 14, 2016 letter, is also described herein below, and will be referred to as "the Work".
  - i. **Installation of Water Tank.** Part 1 of the solution is the installation of an expansion tank to each unit's water system. The installation of an expansion tank is intended to prevent the overflow of water. The Board has engaged a contractor to systematically install the expansion tank to each unit's water system.
  - ii. **Replacement of the Mixing Valve in Each Unit.** Part 2 of the solution is the installation of a new mixing valve to each hot water heater at the Condominium.
- c. **Cost to Each Unit Owner.** The Association shall facilitate the Work, however each unit owner is responsible for paying the cost of the Work. Each unit owner is required to pay **\$200.00** for the performance of the Work by the Association's contractor. The \$200.00 is payable to Midtown Alexandria Station Condominium. All unit owners are required to pay this \$200.00



pursuant to this Resolution and applicable Bylaw sections by the date specified by the Board. If a unit owner prefers to accomplish the Work via his/her own service provider, instructions are below in Section B herein.

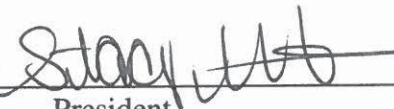
- d. **Schedule of Maintenance Work.** The Association's contractor will systematically perform the Work on Units from upper to lower floors starting as soon as possible. If a unit owner requires an appointment, he/she must contact the General Manager in writing via email as soon as possible at Mara.Luper@fsresidential.com.
  - e. **Work Completed by the Unit Owner.** If the Work has already been completed in your Unit, please contact the General Manager as soon as possible by email: Mara.Luper@fsresidential.com, and provide a copy of the receipt showing that the Work has already been done in your unit.
  - f. **Remove Items Near and In Your Unit's Hot Water Heater Closet.** If a unit owner intends to comply with this Resolution, has not already done the Work, and has not engaged his/her own service provider to do the Work, please remove all items from the unit's hot water heater closet to enable access by the Association's service provider to accomplish the Work.
- B. Opting Out, Proof of Compliance.** If a unit owner wishes to cause the Work to be accomplished using a service provider other than the Association's chosen contractor for \$200.00, the unit owner must to the following:
- a. Advise the General Manager in writing of this preference as soon as possible.
  - b. By January 31, 2017, demonstrate that the Work has been accomplished by a professional company with experience and expertise in performing the required maintenance and repair work by providing a paid receipt clearly demonstrating that the contractor chosen by the unit owner has accomplished the Work. The Board and management reserve the right to inspect any unit to confirm the Work has been accomplished.
- C. Enforcement.** If any unit owner fails to completely comply with this policy, the Board of Directors reserves the right to exercise its power to perform the Work and to then assess the unit owner with all related costs, including, but not limited to, an administrative fee, as well as any legal, locksmith, or other professional fees incurred by the Association. In addition, the Board of Directors may initiate any other enforcement action against the unit owner, including, but not limited to, the imposition of charges for any violation of this Policy after notice and an opportunity for the unit owner to be heard is provided. **In the event of water damage that is related to and/or resulting from a unit owner's failure/refusal to comply with this policy resolution and any other relevant provision of the Bylaws, all related cost of repair may be assessed to the unit who**

**failed/refused to comply with this policy and related Bylaw provisions.**

- D. Water Shut-off.** The Association must accomplish additional repair work in December 2016, which will require water to be shut off to certain units. The Association's management will be in touch with specific units to advise of the necessity to shut off water to the unit.
- E. Other Maintenance.** Nothing set forth in this Policy shall constitute a waiver of the obligation of each unit owner to perform the maintenance, repair and replacement of other items and components not enumerated herein that fall under the responsibility of the unit owner pursuant to the Bylaws, Declaration or rules and regulations of the Association. Moreover, the Association reserves the right to exercise its right of entry into a unit set forth in Section 5.9 of the Bylaws to perform any actions that the Association is empowered or required to perform.
- F. Required H06 Insurance.** Pursuant to Bylaws Article 6, Section 6.5(b), each unit owner shall have personal insurance covering the unit and the unit owner's personal property, among other coverages.

The effective date of this Resolution shall be December 29, 2016.

Midtown Alexandria Station Condominium Unit  
Owners Association

By   
President

## RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held

Motion by: Stacey White Seconded by: Peter Celio

VOTE:

YES NO ABSTAIN ABSENT

Stacey White  
President

✓

[Signature]  
Vice President

✓

Peter L. Celio  
Treasurer

✓

Melissa George  
Secretary

✓

[Signature]  
Director

✓

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

Resolution effective: December 29, 2016.

## FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Policy Resolution was mailed or hand-delivered to the unit owners of Midtown Alexandria Station Condominium, on this 29<sup>th</sup> day of December, 2016.

Mara Luper, Gen. Mgr.  
Managing Agent

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